

REMARKS

Request for Reconsideration

Applicants have carefully considered the matters raised by the Examiner in the Advisory Action dated March 13, 2006 but remain of the opinion that patentable subject matter is present. Applicants respectfully request reconsideration of the Examiner's position based on the following remarks.

Claim Status

Claims 1-20 are currently pending and under prosecution.

Rejection

As understood by the Continuation of Box 11 in the Advisory Action, it is understood that the Examiner is putting forward a rejection under 35 U.S.C. 112, first paragraph, enablement, and continuing the rejection based on EP '848, Inoue. Each of these points will be addressed in turn.

1. Inoue

In the Office Action dated November 28, 2005, the Examiner recognizes that Inoue does not teach transmission density nor the glossiness limitation as recited in Claim 1. The Examiner then went on to say that it would be expected that

Inoue's material would result in transmission density and the glossiness limitations of Claim 1. In other words, the Examiner takes the position that Inoue's material will inherently result in a transmission density and a glossiness as recited in Claim 1. Applicants have tested the material of Inoue and have demonstrated by way of the Declaration dated March 1, 2006 that Inoue's material does not inherently meet the transmission density limitation.

If a reference does not specifically teach a limitation or inherently teach a limitation, then the reference cannot be used to anticipate a claimed subject matter. Inherency requires that the reference always meets the claimed limitation and Applicants have demonstrated that the reference does not always meet the claimed limitation. Respectfully, there is no basis for an anticipation rejection under Inoue since Applicants have clearly demonstrated that Inoue does not inherently possess at least one of the claimed limitations, namely, transmission density, as recited in the claims.

2. Enablement

Applicants' Specification contains examples with eleven different samples being prepared. The description of the examples starts on page 40 of the Application and continues on

to page 52. These examples teach not only making the present Invention but also using the present Invention. The tests for the transmission density is measured by using a Macbeth densitometer TD904 and the glossiness is measured by using a glossmeter, see paragraph bridging pages 48 and 49. A reading of Table 6 on page 49 and Table 7 on page 51 demonstrates that, when the printing plate material meets both the transmission density limitation and the glossiness limitation, superior results are obtained while, if only one of these limitations is met, such results are not obtained.

The Specification teaches the flexible support on pages 7 and 8, the hydrophilic layer on pages 9-22 and the image forming layer on pages 23-30. It is respectfully submitted that the Specification clearly enables one of skill in the art to make and use the present Invention.

In the Continuation of Box 11 in the Advisory Action, the Examiner points out that Samples 2 and 3 have transmission densities that fall within the claimed range. It is understood that the Examiner is referring to Samples 2 and 3 in Table 6A of the Declaration dated September 21, 2005. Sample 2 has a flexible support with a hydrophilic layer thereon that has a

transmission density of 0.33. In contrast, Sample 3 has a flexible support with a hydrophilic layer thereon that has a transmission density of 0.55. Thus, Samples 2 and 3 do not have the same transmission density. Furthermore, Sample 2 does not have a transmission density that falls within the claimed range, 0.33 is below 0.5, the lower limit of the claimed transmission density range.

It should be noted that the transmission density limitation is affected by not only the flexible support but the hydrophilic layer. Samples 2 and 3 use different flexible supports while having the same hydrophilic layer that is why the two Samples have different transmission densities.

Furthermore, it will be noted that, on the last paragraph of page 8, the Specification teaches that it is preferred to use a colored support in certain circumstances. Thus, it is true that both PET support and a blue tinted PET support can be used in the present Invention, however, that does not mean that the lithographic printing plate material made with both the supports will meet the transmission density recited in the claims. As

noted above, transmission density is effected by the hydrophilic layer. This fact is brought out in the samples of the Application and recited on page 49 in Table 6.

Request for One-Month Extension of Time

A one month extension of time is hereby requested and PTO Form 2038 is enclosed herewith authorizing payment of the appropriate government fee.

Conclusion

It is respectfully submitted that the claims, as presently presented, define over Inoue and that the Specification enables one of skill in the art to make and use the Invention as claimed. In view of the foregoing, it is respectfully submitted that the Application is in condition for allowance and such action is respectfully requested. Should any further fees or extensions of time be necessary in order to maintain this Application in pending condition, appropriate requests are

hereby made and authorization is given to debit Account # 02-2275.

Respectfully submitted,

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Encl: PTO Form 2038
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